

**Comments Offered by Akaku: Maui Community Television  
To Federal Communications Commission  
Localism Inquiry, MB Docket No. 04-233  
October 27, 2004**

**Seven Key Points to Remember for FCC Localism Proceeding:  
Community Access Media and Home Rule**

1. **Community access media developed by local jurisdictions provide a model for Localism that could be used for broadcast, satellite and IP-enabled media.**

Non-commercial public, education and government access channels on cable TV across the nation produce over one million hours of original local TV programming each year. Cable access channels and operating resources for local communities are generally provided through local government franchise authorities who collect compensation for the private commercial use of public rights-of-way by media corporations.

A policy approach similar to local franchising of cable TV should be considered for broadcast, satellite and IP-enabled media. Local governments could be given local oversight and compensation for use of public spectrum, rights of way and other public resources. Through a locally accountable process, broadcast, broadband wireline, and satellite transmission capacity needs to be set aside to benefit local communities. Local regulation and local governance over public service media resources are essential principles of the community access media model.

2. **Local public interests are at risk as Congress and the FCC reshape regulation of the entire media system with long term impacts.**

Interpretations of current federal laws and regulations will continue to shape the future by determining the authority of State and local jurisdictions. Public rights of way management, consumer protections, public safety, local governance and development for public TV and radio, local community access media channels, public service networks (I-Nets) for local agencies and non-profit organizations, and other local public interest benefits and protections are all at risk.

New laws and regulations will ultimately determine who controls access to content on the Internet, the use of public lands and spectrum, the ways we can (and cannot!) use information once we have it, and beyond. If citizens aren't empowered by the process to become involved in the debate now, powerful corporate interests will continue to shape the communications system to suit their interests — not the larger (and smaller) needs and interests of local communities for a healthy democracy.

3. **Consolidated and commercial media alone do not serve community needs and interests.**

With fewer owners controlling decisions, local media answer to distant managers with their eyes fixed on the bottom line, catering to consumers rather than to public interests. Lower-income people and members of minority groups who lack buying power find themselves and their issues ignored or misrepresented as a result. Without effective local representation, remote, rural communities and minority interests will remain under-served by media providers.

4. **The best way to promote locally-oriented programming is to set aside bandwidth and related capacity and to secure adequate operating support for non-commercial, public service media in every local community.**

The commercial media marketplace does not support non-commercial speech. Consolidated ownership of media further reduces local content through the elimination of expensive local programming in favor of lower cost regional or national syndicated programming.

Mandatory set asides of local media (including broadcast, cable, satellite and broadband) resources should be standardized at twenty per cent as compensation for private commercial use of public assets like land and spectrum. By making this compensation a certain set amount, FCC policy can remove the uncertainty that private capital market investors deplore.

5. **State and local governments in communities across America must have meaningful and well defined roles to protect media consumers and to advocate for local needs and interests to be met.**

Federal regulation is a centralized, opaque process favoring very powerful corporate interests who privately gain from ineffective local regulation in the public interest. Federal consumer protections and public interest rules are so weak and fragile that commercial media often fail to meet the basic communication needs of local communities. Maui and Kalawao Counties in Hawaii provide potent illustrations of these deficiencies.

Consolidated media ownership favors private commercial interests that are detached from local communities and driven by non-local profit motives. To minimize harm from this imbalance of market power, local governments and communities must have authority to regulate and develop local media solutions that meet people's needs. FCC needs a media policy of Home Rule.

6. **The best way for the FCC to promote diverse, locally-oriented media programming is to ensure that structural and behavioral rules are in place to provide for meaningful local authority to regulate media and to develop local media resources.**

Local franchising authorities (LFAs) are the appropriate jurisdiction to oversee community needs ascertainment and related public service obligations. Local and State jurisdictions need meaningful, appropriate oversight authority to protect all media consumers and to properly represent local public interests. The rise of broadband media illustrates the need for the FCC to be proactive in addressing public interests by divesting regulatory authority to states and local jurisdictions.

7. **Local communities require their own voices: Congress and the FCC must protect local media and uphold the public interest.**

Local voices need to be heard over the public's airwaves and rights-of-way. The best way for the FCC to ensure media localism is to dedicate media resources for public interest purposes and to empower local communities to develop local media on behalf of their citizens.